

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

LANDMARK AMERICAN INSURANCE
COMPANY,

Plaintiff,

v.

BENGAL CONVERTING SERVICES, INC.
ENVISTA FORENSICS, LLC d/b/a/ AREPA,
LINKS DEBT FUND, LLC, COHEN & CLARK,
P.C.,

Defendants.

NO. 23-cv-2576

JOINT REPORT OF RULE 26(F) MEETING AND PROPOSED DISCOVERY PLAN

In accordance with Federal Rule of Civil Procedure 26(f), counsel for the parties conferred on **March 14, 2025**, and submit to Chambers the following report of their meeting for the Court's consideration:

1. Discussion of Claims, Defenses, and Relevant Issues

In this matter, Landmark issued a commercial property insurance policy to Bengal Converting Services covering a fire loss that occurred on July 9, 2022. Bengal submitted a partial proof of loss for \$309,338 which Landmark does not dispute.

There are competing claims to the \$309,338 insurance proceeds between Bengal, AREPA (a restoration company hired by Bengal who claims Bengal assigned it insurance rights), Links Debt Fund LLC (a secured creditor who claims a first priority security interest in all of Bengal's assets, including the insurance proceeds), and Cohen & Clark (Bengal's public adjuster who claims a contingent fee interest in the payment).

Landmark filed this interpleader action to deposit the \$309,338 with the court and allow the defendants to resolve amongst themselves who is entitled to the funds. Landmark seeks to be discharged from further liability relating to this loss.

The central issue is determining the respective rights and priorities of the competing defendants to the \$309,338 interpleaded insurance funds. Links Debt has filed a Motion to Release Interplead Funds, and Landmark, AREPA and Clark & Cohen have all filed answers.

Links Debt asserts that it has a first priority security interest in all of Bengal's assets, including the insurance proceeds, and that said proceeds should be released to Links Debt.

AREPA claims that AREPA has a right to the proceeds due to its performance of services at Bengal's facility for which AREPA has not been paid, that Links Debt allegedly waiving or

assigning its right to the proceeds to AREPA (which Links Debt denies) and due to its allegations that unpaid contractors are favored over secured creditors. Bengal and AREPA are currently engaged in arbitration proceedings that were initiated prior to this action in accordance with a mandatory arbitration provision. AREPA contends that this action must be stayed pending the outcome of the arbitration proceedings because the arbitration action will determine certain issues that are present in this action.

Clarke & Cohen claim that they have a first priority security interest in a portion of the interplead funds representing its public adjuster fee in the amount of \$24,747.07 (which claim is denied by Links Debt and by AREPA).

Landmark has filed a response to the Motion to Release Funds stating that it takes no position on the Motion and defers to the Court's discretion.

2. Initial and Informal Disclosures

The parties will exchange Initial Disclosures prior to the Pretrial Conference.

3. Formal Discovery

It is Links Debt's position that no further discovery is required to resolve this matter, including Links Debt's pending Motion to Release Funds. AREPA has indicated that it wants to conduct limited discovery into the relationship between Links Debt and Bengal. AREPA believes three (3) months from the date of the Rule 16 conference is necessary to conduct fact discovery. Clarke and Cohen anticipates conducting a deposition of a representative of Links Debt during the proposed three (3) month discovery period.

4. Electronic Discovery

The parties do not anticipate any issues with electronic discovery.

5. Expert Witness Disclosures

The parties do not believe that any expert witness testimony will be required.

6. Early Settlement or Resolution

No party is opposed to potentially engaging in early settlement or alternative dispute resolution.

7. Trial Date

Links Debts believes that this matter is ready to be argued. AREPA requests a Trial Pool of July 2024. The parties have indicated that some or all of the parties are unavailable for trial/hearing on the following days:

8. **Other**

None at this time.

Respectfully Submitted:

/s/ Philip Priore

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